

Item No. \_\_\_\_\_

Prepared by: Christy L. Kinard

Approved by: Christy L. Kinard  
Assistant County Attorney

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO PUBLISH SECOND NOTICE OF ELECTION TO FILL THE VACANCY ON THE SHELBY COUNTY BOARD OF COMMISSIONERS, DISTRICT 3, POSITION 3. SPONSORED BY COMMISSIONER MIKE RITZ.**

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**WHEREAS**, By resolution adopted as Item No. 17A on October 26, 2009, the County Commission declared a vacancy in the office of County Mayor and set November 9, 2009 as the date to elect an Interim County Mayor; and

**WHEREAS**, On November 9, 2009, the County Commission amended the resolution electing an Interim County Mayor by changing the effective date from November 16, 2009 to December 10, 2009 and deferred the item to November 17, 2009, at which time the County Commission elected Shelby County Commissioner, Joe Ford to serve as Interim County Mayor, as evidenced by adoption of Item No. 1; and

**WHEREAS**, In accordance with § 2.03(E) of the Shelby County Charter, the County Commission is required to declare a vacancy on the County Commission if one of its members is elected to fill a vacancy that the County Commission is required by law to fill; and

**WHEREAS**, Following its normal procedure, at the next regular meeting on November 23, 2009, the County Commission adopted a resolution as Item No. 21A declaring a vacancy on the County Commission for District 3, Position 3 and setting December 7, 2009, the next regular meeting of the County Commission, as the date to elect an Interim County Commissioner; and

**WHEREAS**, After researching the issue, the County Attorney's Office advised that the duty to fill a vacancy does not arise until the vacancy occurs, meaning when the office becomes empty and is without an incumbent, and the County Commission is prohibited from holding the election to fill the County Commission vacancy prior to December 10, 2009; and

**WHEREAS**, At its meeting of December 2, 2009, the General Government Committee recommended that the County Commission defer election of an Interim County Commissioner for District 3, Position 3 from December 7, 2009 to a date after December 10, 2009 and that the Chairman of the County Commission be authorized and directed to furnish the proper notice and publication to advertise the deferral of the election to fill said vacancy.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE,** That the Chairman of the County Commission be and is hereby authorized and directed to furnish the proper public notice and secure the publication for purposes of advertising the deferral of the election to fill the vacancy on the County Commission for District 3, Position 3.

**BE IT FURTHER RESOLVED,** That this resolution shall take effect in accordance with the Shelby County Charter, Article II, § 2.06(B).

\_\_\_\_\_  
County Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

ADOPTED: \_\_\_\_\_